

PREVENTION OF LAND INVASION POLICY



APPROVED BY:

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MUNICIPAL MANAGER
DATE: 23/06/21..

APPROVED BY:

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DATE: 23/06/21.....

1. PURPOSE OF POLICY

The purpose of this policy is to deal with all land invasions occurring onto Municipal land.

2. OBJECTIVE OF POLICY

- To assist municipality to control and manage the land available in terms of open spaces.
- To curb the chaotic nature that surrounds the commonage in all the Mbhashe towns.

3. SCOPE

Any invasion that occurs onto municipal commonages will be dealt with in this policy.

4. LEGISLATIVE FRAMEWORK

4.1 Constitution Act 108 of 1996

4.2 Illegal Eviction from and Unlawful Occupation of Land Act (Act 19 of 1998)

4.3 Extension of Tenure Security Act (Act 62 of 1997).

5. POLICY PROCEDURE

- a) Council will number and capture the personal details of residents of existing informal settlements into its administrative systems.
- b) Council henceforth will endeavour to demolish and impound any shack or structure that is being erected within area of jurisdiction without its consent.
- c) Where a shack or structure has been put up for more than three (3) days and the action of immediate eviction was not taken, a notice of illegal occupation of land shall be issued, advising the occupant to remove the structure or shack immediately. The Legal Section is to be notified and same must prepare and urgent application to the Court for and eviction order. This action must be accomplished within three (3) months.
- d) Council is to identify a particular area which will be a reception area for all new comers and when such areas have been established, no new comers into the existing settlement will be allowed.
- e) The residents of the reception area will have to sign the standard service agreement and to pay for services rendered. The size of each "site" allocated to a person will be limited to 200sqm.

- f) For housing opportunities Council will endeavour to prioritise the needs of residents of existing informal settlement and those leaving in the back yards at established townships. A housing opportunity includes relocation to a stand in Formal Township.
- g) Persons accommodated in a reception area have a housing opportunity while living or residing in that area. If such a person move out of the area, unless same is buying a stand elsewhere, ceases to be on the list of housing opportunity.
- h) Notice boards are to be put up at entrance of effected township informing prospective migrant into the area that they must consult the local municipal office to obtain a registration permit and site allocation before relocating.
- i) Where livestock is involved, permission to bring them along and to be put in grazing farms must be obtained from the designated health officer who when deemed necessary, may require medical examination of such livestock by a registered veterinary surgeon at the cost of the owner. If such an office is satisfied that such livestock has no diseases that may be infectious to others; livestock may direct that the livestock be kept in an area to be indicated by him for such a duration as he may prescribe subject to the availability of such stock-yard or land.

6. GENERAL POLICY PROVISIONS

- No person is allowed to have a shack or structure that he/she does not use it or to lease it to someone else anywhere in the existing informal settlements or reception area.
- No person is allowed to have a shack or structure unoccupied by him/herself for more than three months, without written permission of the manager responsible for housing matters

7. PROCEDURES FOR IMPLEMENTING POLICY

- 1) The town planning section must satisfy themselves of the invasion; then report to the Municipal Manager
- 2) The ward councillor will then be made aware of the invasion taking place in his/her area so that he/she coordinates the engagement process with the occupiers and advise them not to do so.
- 3) Concurrently, the ward councillor will try to make the invaders aware of the consequence and advise them not to do so; in the same vein, the legal proceedings will start ensuring that the invasion stops.

- 4) Upon court order being granted by the court; the Sheriff of the court by the instruction of the Legal Services Office will be authorised to proceed with demolition; then the council will be made aware of the demolish through the office of the Mayor. decision to demolish the structures will be taken for implementation